



INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

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30 July 2003

Docket Management Facility
(USCG-2003-14733)
U.S. Department of Transportation, Room PL-401
400 Seventh Street SW.
Washington, DC 20590-0001

Re: Area Maritime Security

To Whom It May Concern:

The International Association of Drilling Contractors is a trade association representing the interests of drilling contractors, onshore and offshore, operating worldwide. Our membership includes all the drilling contractors operating mobile offshore drilling units (MODUs) in the areas under the jurisdiction of the United States and all MODUs registered in the United States.

In response to the Temporary Interim Rule with request for comments on Area Maritime Security Initiatives (USCG-2003-14733) which appeared in the 1 July 2003 *Federal Register*, we offer the following comments and recommended changes:

(Note: Recommended additions are shown in **bold**, and deletions in ~~bold-red-strikethrough~~.)

1. Regarding § 103.300 Area Maritime Security (AMS) Committee.

(a) The AMS Committee is established under the direction of the COTP and shall assist in the development, review, and update of the AMS Plan for their area of responsibility. For the purposes of this subchapter, Port Security Committees that were established prior to July 1, 2003, according to guidance issued by the Coast Guard, may be considered AMS Committees, provided they conform to the procedures established by this part and satisfy the membership requirements of § 103.305 of this part.

Comment: *We note the statement: "Port Security Committees that were established prior to July 1, 2003, according to guidance issued by the Coast Guard, may be considered AMS Committees, provided they conform to the procedures established by this part and satisfy the membership requirements of § 103.305 of this part."*

While we agree that a continuity of operations must be provided, we believe that the composition of existing "port" committees, as well as their geographic scope of interest must be carefully examined.

We also believe that the Coast Guard establish, without delay, an Area Committee for the OCS portion of the Gulf of Mexico (either under the direction of the Commander, Eighth Coast Guard District, or as a combined planning area of the Mobile, New Orleans, Morgan City, Port Arthur, Houston-Galveston, and Corpus Christi Captains of the Port). We view this as essential step in moving the various Federal law enforcement agencies and industry toward a mutual understanding

of the law enforcement response to a security incident on the OCS as well as aiding in identification of any resource shortfalls.

We ask that the Coast Guard assure that the COTPs with offshore oil and gas infrastructure in their non-OCS areas of responsibility assure representation of this industry sector on their committees.

We have firm indications from IADC members that they are willing to participate actively in these Committees.

2. Regarding § 103.305 Composition of an Area Maritime Security (AMS) Committee.

(a) An AMS Committee must be composed of not less than seven members, each having at least 5 years of experience related to maritime or port security operations, and who may be selected from:

Comment: *While we recognize that the requirement for “at least 5 years of experience related to maritime or port security operations” parallels the mandate of the MTSA that members of the committees have “at least 5 years practical experience in maritime security operations” we believe that the Coast Guard should liberally interpret this legislative mandate in order to obtain representation from all area stakeholders in this vital effort.*

3. Regarding § 103.305 Composition of an Area Maritime Security (AMS) Committee.

(a) An AMS Committee must be composed of not less than seven members, each having at least 5 years of experience related to maritime or port security operations, and who may be selected from:

- (1) The Federal, Territorial, or Tribal government;
- (2) The State government and political subdivisions thereof;
- (3) Local public safety, crisis management and emergency response agencies;
- (4) Law enforcement and security organizations;
- (5) Maritime industry;
- (6) Other ~~port~~ stakeholders having a special competence in maritime security; and
- (7) ~~Port stakeholders~~ Stakeholders affected by security practices and policies.

(b) Members appointed under this section serve for a term of not more than 5 years. In appointing members, the COTP should consider the skills required by § 103.410 of this part. Prior to the appointment of an individual to a position on the AMS Committee, the COTP may require an appropriate security background examination of the candidate member.

Reason for Change: *To provide clarification that the responsibility of the committee and its geographic scope is not necessarily limited to a “port” and that the composition of some existing Port Security Committees must be critically examined.*

4. § 103.310 Responsibilities of the Area Maritime Security (AMS) Committee.

(a) The AMS Committee shall:

- (1) Identify critical ~~port~~ **maritime transportation system** infrastructure and operations;
- (2) Identify risks (threats, vulnerabilities, and consequences);
- (3) Determine mitigation strategies and implementation methods;
- (4) Develop and describe the process to continually evaluate overall ~~port~~ **maritime transportation** security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and
- (5) Provide advice to, and assist the COTP in, developing the AMS Plan.

(b) The AMS Committee shall also serve as a link for communicating threats and changes in MARSEC Levels, and disseminating appropriate security information to ~~port~~ stakeholders.

Reason for Change: *To provide clarification that the responsibility of the committee is not necessarily limited to a “port” and that other infrastructure in the area of responsibility must be considered.*

5. Regarding § 103.405 Elements of the Area Maritime Security (AMS) Assessment.
 - (a) The AMS Assessment must include the following elements:
 - (1) Identification of the critical Marine Transportation System infrastructure and operations in the **port geographic area covered by the plan**;
 - (2) Threat assessment that identifies and evaluates each potential threat on the basis of various factors, including capability and intention;
 - (3) Consequence and vulnerability assessment for each target/scenario combination; and
 - (4) A determination of the required security measures for the three MARSEC Levels.
 - (b) In order to meet the elements listed in paragraph (a) of this section, an AMS Assessment should consider each of the following:
 - (1) Physical security of infrastructure and operations **in at the port geographic area covered by the plan**;
 - (2) Structures considered critical for the continued ~~operation—of~~ operations in the **port geographic area covered by the plan**;
 - (3) Existing security systems and equipment available to protect maritime personnel;
 - (4) Procedural policies;
 - (5) Radio and telecommunication systems, including computer systems and networks;
 - (6) Relevant transportation infrastructure;
 - (7) Utilities;
 - (8) Security resources and capabilities; and
 - (9) Other areas that may, if damaged, pose a risk to people, infrastructure, or operations within the **port geographic area covered by the plan**.
 - (c) AMS Assessments are sensitive security information and must be protected in accordance with 49 CFR part 1520.

Reason for Change: *To provide clarification that the geographic scope is not necessarily limited to a “port” and that it is necessary to assess other infrastructure in the area of responsibility.*

6. § 103.410 Persons involved in the Area Maritime Security (AMS) Assessment.

The persons carrying out the AMS Assessment must have the appropriate skills to evaluate the security of the port in accordance with this part. This includes being able to draw upon expert assistance in relation to:

 - (a) Knowledge of current security threats and patterns;
 - (b) Recognition and detection of dangerous substances, and devices;
 - (c) Recognition, on a non-discriminatory basis, of characteristics and behavioral patterns of persons who are likely to threaten security;
 - (d) Techniques **that may be** used to circumvent security measures;
 - (e) Methods used to cause a transportation security incident;
 - (f) Effects of dangerous substances and devices on structures and port services;
 - (g) **Port security Maritime security** requirements **in the geographic area covered by the plan**;
 - (h) **Port Maritime** business practices **in the geographic area covered by the plan**;
 - (i) Contingency planning, emergency preparedness, and response;
 - (j) Physical security measures;
 - (k) Radio and telecommunications systems, including computer systems and networks;
 - (l) Transportation and civil engineering;
 - (m) Vessel, **and port and other relevant marine transportation related** operations; and

(n) Knowledge of the impact, including cost impacts of implementing security measures on **port maritime** operations.

Reason for Change: *To provide clarification that the geographic scope is not necessarily limited to a “port.”*

7. Regarding § 103.505 Elements of the Area Maritime Security (AMS) Plan.

The AMS Plan should address the following elements, as applicable:

(a) Details of both operational and physical measures that are in place in the **port geographic area covered by the plan** at MARSEC Level 1;

(b) Details of the additional security measures that enable the port to progress, without delay, to MARSEC Level 2 and, when necessary, to MARSEC Level 3;

(c) Details of the security incident command-and-response structure;

(d) Details for regular audit of the AMS Plan, and for its amendment in response to experience or changing circumstances;

(e) Measures to prevent the introduction of dangerous substances and devices into designated restricted areas within the **port geographic area covered by the plan**;

(f) Measures to prevent unauthorized access to designated restricted areas within the **port geographic area covered by the plan**;

(g) Procedures and expected timeframes for responding to security threats or breaches of security, including provisions for maintaining infrastructure and operations in the **port geographic area covered by the plan**;

(h) Procedures for responding to any security instructions the Coast Guard announces at MARSEC Level 3;

(i) Procedures for evacuation within the **port geographic area covered by the plan** in case of security threats or breaches of security;

(j) Procedures for periodic plan review, exercise, and updating;

(k) Procedures for reporting transportation security incidents (TSI);

(l) Identification of, and methods to communicate with, Facility Security Officers (FSO), Company Security Officers (CSO), Vessel Security Officers (VSO), public safety officers, emergency response personnel, and crisis management organization representatives within the **port geographic area covered by the plan**, including 24-hour contact details;

(m) Measures to ensure the security of the information contained in the AMS Plan;

(n) Security measures designed to ensure effective security of infrastructure, special events, vessels, passengers, cargo, and cargo handling equipment at facilities within the **port geographic area covered by the plan** not otherwise covered by a Vessel or Facility Security Plan, approved under part 104, 105, or 106 of this subchapter;

(o) Procedures to be taken when a vessel is at a higher security level than the facility or **port planning area** it is visiting;

(p) Procedures for responding if a vessel security alert system on board a vessel within or near the **port geographic area covered by the plan** has been activated;

(q) Procedures for communicating appropriate security and threat information to the public;

(r) Procedures for handling reports from the public and maritime industry regarding suspicious activity;

(s) Security resources available for incident response and their capabilities;

(t) Procedures for responding to a TSI; and

(u) Procedures to facilitate the recovery of the Marine Transportation System after a TSI.

Reason for Change: *To provide clarification that the geographic scope of the AMS is not necessarily limited to a “port.”*

In addition, if this rule is affirmed as planned, we would urge the Coast Guard to undertake a review of the regulations that have been promulgated establishing security zones and security-related regulated navigation areas with a view towards streamlining and standardization, particularly with regard to:

- Identification of persons (*e.g.*, as in the Hampton Roads area);
- Notification to the public of the establishment of active security zones;
- Identification of vessels for which security zones have been established; and
- Regulatory marking of permanent security zones

If you have any questions regarding these recommendations or comments, please contact me by phone at: (713) 292-1945, ext. 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Spackman". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alan Spackman
Director, Offshore Technical
and Regulatory Affairs